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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Noelle et al.

Group Art Unit: 1644

Application Serial No. 09/835,126

Examiner: P. Gambel

Filed: April 16, 2001

Title: *EX VIVO TREATMENT OF ALLOGENIC AND XENOGENIC DONOR T CELLS CONTAINING COMPOSITIONS (BONE MARROW) USING GP39 ANTAGONISTS AND USE THEREOF*

* * * * *

ELECTION RESPONSE

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Office Action [Election of Species Requirement] mailed December 30, 2002, applicants elect for purposes of examination transplantation as the disease or disease treatment. After a determination that generic claims are allowable, applicants respectfully request consideration of the non-elected subject matter.

This Election Reply is believed to be fully responsive to the Restriction and Election of Species Requirement. If the Examiner has any questions relating to this response or any other matter he is respectfully requested to contact the undersigned.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Robin Teskin / Julie Broadus 47,447
Robin L. Teskin
Registration No. 35,030

1600 Tysons Boulevard
McLean, Virginia 22102
(703) 905-2000
(703) 905-2500 Facsimile

Date: February 28, 2003
Attorney Reference: 037003-0280602
/rg

Inventor(s): Noelle et al.

Appln. No.: 09/

835,126

Series Code ↑

Filed: April 16, 2001

Hon. Commissioner of Patents

Washington, D.C. 20231

MAR 06 2003

Sir:

TECH CENTER 1600/2900
REPLY/AMENDMENT/LETTER

Group Art Unit

1644

Examiner:

P. Gambel

Atty. Dkt.

P

0280602

1999-30-0522C1

M#

Client Ref

Appln. Title:

EX VIVO TREATMENT OF
ALLOGENIC AND XENOGENIC
DONOR T CELLS CONTAINING
COMPOSITIONS (BONE MARROW)
USING GP39 ANTAGONISTS AND
USE THEREOF

Date: February 28, 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previouslyFor B & C
See Required
Separate Paper
(Pat-256)

A. <input checked="" type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input type="checkbox"/> made previously		For B & C See <u>Required</u> <u>Separate</u> Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for		Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm	
2. Total Effective Claims					**minus	0	0	x \$18/\$9 =	+ \$0	103/203	
3. Independent Claims					***minus	0	0	x \$84/\$42 =	+ \$0	102/202	
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)								add	+ \$280/\$140 =	+ \$0	104/204
5. Original due Date:				<input type="checkbox"/> NONE							
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached				(1 mo)		\$110/\$55 =	+ \$ 110			115/215	
				(2 mos)		\$410/\$205 =				116/216	
				(3 mos)		\$930/\$465 =				117/217	
				(4 mos)		\$1,450/\$725=				118/218	
				(5 mos)		\$1,970/\$985=				128/228	
7. Enter any previous extension fee paid since above original due date and subtract								- \$0			
8.								Extension Fee	+ \$0		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee								+ \$110/\$55	+ \$0	148/248	
10. If IDS attached requires Official Fee under Rule 97 (c),								+ \$180	+ \$0	126	
or if Rule 97(d) Request								+ \$180		126	
11. After-Final Request Fee per rules 129(a) and 17(r)								+ \$750/370	+ \$0	146/246	
12. No. of additional inventions for examination per Rule 129(b).....								x \$750/375 ea	+ \$0	149/249	
13. Request for Continued Examination (RCE)								+ \$750/375	+ \$0	1179/1279	
14. Petition fee for									+ \$0		

TOTAL FEE =

\$ 110

PLEASE CHARGE
OUR DEP. ACCT

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

03/04/2003 CCKRU1 00000067 033975 09835126

Our Deposit Account No. 03-3975)

01 FC:1251 110.00 CH

(Our Order No. 037003 0280602

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Robin L. Teskin

Reg. No. 35,030

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

Sig:

Robin Teskin / Julie Broadus
47,447Fax: (703) 905-2500
Tel: (703) 905-2200

Atty/Sec: RLT/RLG

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments